

DONNA SCOTT

v.

UNION CENTRAL LIFE INSURANCE COMPANY

C-1-02-075

August, 2004

<u>TITLE</u>	<u>PAGE NO.</u>
FUNCTION OF THE JURY	1
BURDEN OF PROOF	
Preponderance of the Legal Evidence	2
EVIDENCE	3
DIRECT AND CIRCUMSTANTIAL EVIDENCE	5
CREDIBILITY OF WITNESSES	6
IMPEACHMENT	8
EXHIBITS	9
SUMMARIES, CHARTS, AND DIAGRAMS	10
NOTE-TAKING	11
ALL PERSONS EQUAL BEFORE THE LAW	12
AGENTS	13
STATEMENT OF THE CASE	14
DISCRIMINATION – AGE AND GENDER.	15
PLAINTIFF’S BURDEN OF PROOF:	
Disparate Treatment Claim	16
“MOTIVATING FACTOR” – DEFINITION.	17

SIMILARLY SITUATED – DEFINITION.	18
RETALIATION	19
PROTECTED ACTIVITY	20
CAUSAL CONNECTION	21
DEFENDANT’S STATED LEGITIMATE REASONS	22
BUSINESS DECISIONS	23
EMPLOYER’S CREDIBILITY DETERMINATION	25
“PRETEXT” – DEFINITION	26
EQUAL PAY ACT	27
PREFACE TO INSTRUCTION ON DAMAGES	28
DAMAGES – INTRODUCTION	29
DAMAGES – BACK PAY AND BENEFITS	30
MITIGATION OF DAMAGES	32
COMPENSATORY DAMAGES	33
DAMAGES – FRONT PAY.	34
PUNITIVE DAMAGES	36
CLEAR AND CONVINCING LEGAL EVIDENCE	37
WILLFUL VIOLATION	38
NO DOUBLE RECOVERY	39
ATTORNEY’S FEES.	40
VERDICT FORM	41
CLOSING REMARKS	42